

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

VIKING TRANSPORT, LLC,

Plaintiff,

v.

ACTION NO. 4:06cv63

FRED W. GARRISON,
also known as
Fred W. Garrison, 2nd,

Defendant.

ORDER

This matter comes before the court on Viking Transport, LLC's ("Viking's") Motion for Entry of Default Judgment, filed August 9, 2006, pursuant to Federal Rule of Civil Procedure 55(b) (2).

The matter was referred to a United States Magistrate Judge by order of September 12, 2006, pursuant to the provisions of 28 U.S.C. § 636(b) (1) (B) and Federal Rule of Civil Procedure 72(b), to conduct a default judgment hearing, including an evidentiary hearing, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

A hearing was conducted on November 13, 2006. The United States Magistrate Judge's Report and Recommendation was filed on January 3, 2007. The magistrate judge found that the requirements of Federal Rule of Civil Procedure 55(b) (2) have been met and

further recommended that default judgment be entered in favor of Viking against defendant Fred W. Garrison in the amount of eighty-two thousand five hundred one dollars and forty-three cents (\$82,501.43).

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired.

The court does hereby adopt and approve in full the findings and recommendations set forth in the report and recommendation of the United States Magistrate Judge filed January 3, 2007. Accordingly, the court ORDERS that judgment be awarded to Viking in the amount of \$82,501.43.

The Clerk shall forward a copy of this Order to counsel for the plaintiff, and to defendant Fred W. Garrison at his last known address.

IT IS SO ORDERED.

/s/

Rebecca Beach Smith

Norfolk, Virginia

January 29, 2007